U u Numb. 1115.

The Daily Courant.

Friday, November 9. 1705.

London, November 9.

IN this Delay of the Holland Mails, we shall present the Publick with the two Pieces mention'd in Yesterday's Courant to be newly printed at the Hague, about the important Affair of the disputed Succession of the Bishoprick of Lubeck, viz. *A Letter from a Minister, &c.* written on the Part of Denmark; *And the Case of the Succession of the Bishoprick of Lubeck*, written on the side of the House of Gottorp.

The first Part of a Letter from a Minister of State to a Friend, in Answer to the Question 'Whether 'the Offices his Majesty the King of Denmark 'causes to be done in Favour of his Highness Prince 'Charles his Brother, with Relation to the Coadjutorship of Lubeck, be contrary to the Treaty of 'Travendahl?'

SIR,

I Am much oblig'd to you for the News you was pleas'd to communicate to me in your Letter of the 26th of last Month, and principally for your Account of what has pass'd where you live with Regard to the Coadjutorship of Lubeck. That I may not be ungrateful, I gladly undertake the Task, you have so obligingly desir'd of me, of answering the Question, 'Whether the Offices which his Majesty 'the King of Denmark causes to be done in Favour 'of his Highness Prince Charles his Brother, with 'Respect to the said Coadjutorship of Lubeck, are 'contrary to the Treaty of Travendahl? As is spread abroad in the World and particularly in your Country and in England.

I engage in this Work the more readily, because 'tis one of the most important Questions of the present Times, and is in every Body's Mouth in all the Courts of Europe; and I cannot better employ my Leisure, than in shewing, that a Prince so religious and just as is the King of Denmark, is falsly charg'd with doing Injustice. Certainly had his Majesty design'd to be wanting to the Treaty of Travendahl, he would not have executed, as he has done, the hardest Articles of it, at a Time when his Friendship was sought by all the Potentates of Europe; and you may assure your self he would likewise execute the Article that treats of the Bishoprick or Coadjutorship of Lubeck, were he under a real Obligation to do it; but as he is not, as I will clearly make out to you, I hope you will be undeceiv'd, and that you will contribute to disengage others, from a Prejudice, that owes its Birth to the little pains Men take to inform themselves thoroughly of the Affairs of the North, among so many others with which Europe is at present taken up.

It being generally a certain Mark that a Man is pleading a good Cause, when he proceeds orderly and methodically; I will begin at the Root, and fairly lay before you the Article of the Treaty of Travendahl in Question; and will afterwards shew you, that his Majesty the King of Denmark, has done nothing, nor is at present doing any thing, contrary either to the Sence, or Expressions of that Article. This, I think, is all that can be demanded, and all that can be said upon the Subject. Now the 8th Article of the said Treaty, runs in these Words.

'As for the Agreement the House of Holstein Got-'torp made with the Chapter of Lubeck, in the 'Year 1647, by which the Episcopal Election is 'secur'd to that House for 6 Generations, his Danish 'Majesty promises to acquiesce in what is stipulated 'in the Reces, or Act made at Gluckstad in the 'Year 1667, and not to infringe it directly or in-'directly.

You see, Sir, this Article says nothing of it self, but simply refers to the second Article of the Reces or Act of Gluckstad; which is in these Terms. 'His Danish Majesty acquiesces in what the Father 'of his Highness the Duke of blessed Memory, a-'greed with the Chapter of Lubeck the 6th of July '1647, touching the survivorship to the Episcopal 'Election, of a settled Number of Persons of the 'Ducal House; in exchange his Highness the Duke 'promises, effectually to cooperate when occasion 'shall offer, that the said Chapter may oblige them-'selves so to fix their Election to the Royal and Du-'cal Houses of Holstein, that for the Future, when 'the foresaid Number of Persons or Generations is 'pass'd, they may choose their Bishops alternately out 'of the said Royal and Ducal Houses. This is the Fact.

By which you see plainly, Sir, that his Danish Majesty, and the King his Grandfather, Frederick III of glorious Memory, oblig'd themselves only to acquiesce in what was stipulated between the Duke and the Chapter the 6th of July 1647. Now, every Man of Understanding will grant, that naturally this *Acquiescing* presupposes 3 things: In the first Place, that the Agreement of July 6, 1647 was, effectually and in due Form, made between the Duke and the Chapter; for otherwise it would be most absurd to say it ought to be acquiesc'd in; *Non entis enim nullæ sunt Affectiones.* (*a*) Secondly, that that Agreement does still subsist, and is not in its own Nature render'd void, either by its Injustice, or by the Tenour of the Law, or by a Decree of Justice, or by the Accomplishment of the Conditions stipulated. Thirdly, that one of the Parties contracting has not by infringing the Contract given the other a Right to withdraw his Word and disanull the Agreement. (*b*) In Default of either of these 3 requisite things, you easily comprehend, Sir, that he who promis'd to acquiesce, is no longer under Obligation; seeing the Agreement it self not subsisting, the *acquiescing*, which is but consequential to it, ceases also to subsist. Besides, the Party stipulating not being in a Condition to receive Benefit from it, cannot reasonably demand that the other who put himself under an Obligation for his Sake only, should divest himself of the Advantages which he would otherwise have had. (*c*.) Now I will prove, that not only one, but all these Condirions, requisite, to oblige his Danish Majesty to allow the Pretentions of the Ducal House of Holstein Gotttorp to the Bishoprick of Lubeck, are wanting; and consequently that his said Majesty is absolutely at Liberty to maintain the just Pretensions of Prince Charles of Denmark his Brother; who was chosen Coadjutor by a Majority of the Canons.

(*a*.) *vid. Grot. de Jure B. & P. l. 2. c. 11. Sect. 6.*
(*b*.) *Grot. de Jure B. & P. l. 2. c. 15. Sect. 15.*
(*c*.) *Cic. de Off. L. 1, c. 10. it. L. 3.*

As for the first Point, viz. whether the pretended Agreement of July 6. 1647 between the Duke and the Chapter, was effectually made: I affirm, that since the Treaty of Travendahl, his Danish Majesty has been very well inform'd, that such an Agreement was never made, and that nothing Authentick concerning it is to be found in the Register or Archives of the Chapter. None but Copies have ever been produc'd; and the Court of Gottorp with all its Partisans, are defied to shew an unquestionable Original.

But were there really such an Agreement, and could they produce a true Original, 'tis evident that Piece could be obligatory to no Person, because the Promise contains an unlawful Act, (d) contrary to the Canons and to Article 5. Sect. 16 and 17 of the Peace of Westphalia, which do not permit of restraining the Freedom of Elections in any Manner; much less of taking it away by Contract from Successors *in dignitate & præbenda*: So that that Agreement falls of it self, and is void *ipso jure*. But to put this beyond all Doubt, his Imperial Majesty has formally annull'd that pretended Agreement, by his Decree of the 4th of June 1698, in the following Terms: 'By 'these Presents, we do effectually and by Virtue of 'our most high Imperial Office, cass and Annul the A-'greements you have made with the said House of 'Holstein, so far as they restrain the Liberty of E-'lections, being on that Account, as has already been 'said, contrary to the Laws and Treaty of Peace of 'Westphalia: We also cass and annul what ever has 'been done in Consequence of those Agreements.'

The Emperor in this Decree seems to speak plainly enough, and the Partisans of the House of Gottorp can make no solid Reply to it. They have Recourse indeed to a posterior Order from the Emperor, dated July 28. 1700, by which the Chapter is enjoyn'd 'to proceed without Delay to the Nomination of a 'certain Person, and determine themselves to 'choose one of the House of Holstein Gottorp, for 'their Coadjutor; but you will observe, Sir, that 'tis not said this should be done by Virtue of the Agree-'ment of the year 1647, but 'by Virtue of a general 'Assemblies of the Chapter, in which it was decreed 'that they would choose a Prince of the House of Gottorp. I leave it to the Canons to tell how that matter was transacted, and whether those pretended general Assemblies of the Chapter, were convened in due Form to enable them to proceed to such a Decree: I well know they will not say it was, for the major Part of them have expresly declar'd the contrary, in a Memorial presented to his Imperial Majesty in May 1701. I leave it to them likewise, whether Elections can be made canonically *actibus interruptis*: I have undertaken only to prove, that his Danish Majesty, in maintaining the Interests of the Prince his Brother, does nothing against the Peace of Travendahl, nor against the Article of the Recess or Act of Gluckstadt of the Year 1667, to which that Peace refers; and 'tis sufficient to my purpose that the pretended Agreement of the Year 1647 does no longer subsist, as in reality it never did subsist: Besides, 'tis known an Order may be issued without scrupulously hearing both Parties, and that it has by no means the Force of a Decree; 'tis revocable, when issued (as this was notoriously) *ad falsa narrata*, or upon false Suppositions; and the Date alone of July 28. 1700. renders the Manner by which that Order was obtain'd of the Imperial Court very liable to Suspicion, if we reflect on the Circumstances of that Time: But as I said it does not lye in my Road to criticize upon that Order; and therefore I go on, and add upon this second Head, that the said pretended Agreement expir'd long ago, by the Accomplishment of one of the Conditions of it, which fixes the precise Time of its Continuance in Force.

The Remaining part of this Letter shall be found in to Morrow's Courant.

(d.) *Grot. de Jure B. & P. l. 2. c. 11. Sect. 8.*

AT the Theatre Royal in Drury-Lane, this present Friday, being the 9th. of November, will be presented a Comedy, call'd, The Royal Merchant, or Beggar's Bush, with several Sonatas on the Violin by Signior Gasparini, Singing by Mr. Hughs, Mr. Ramondon, and Mrs. Lindsey, and Dancing by Monsieur Chartier and others. And to Morrow being Saturday the 10th of November, (at the desire of several Persons of Quality) will be presented a Comedy, call'd, The Committee: or, The Faithful Irish-man: with several new Entertainments of Singing by Mrs. Tofts, never yet perform'd.

AT the Queen's Theatre in the Hay-Market, this present Friday, being the 9th of November, will be presented a Comedy, call'd, The Man of Mode: or, Sir Fopling Flutter. With several Entertainments of Dancing by the famous Monsieur de Barques and others, newly arriv'd from France. Boxes 5 s. Pit 3 s. First Gallery 2 s.

These Plays are Sold by J. Knapton at the Crown in St. Paul's Church-yard, and B. Lintott Next Nando's Coffee-House, Temple-Bar.

An Entertainment by Mr. *CLINCH* of *BARNET*, who imitates the Flute, Double Curtell, the Organ with 3 Voices, the Horn, Huntsman and Pack of Hounds, the German Doctor, the Old Woman, the Drunken Man, the Bells: All Instruments to perform'd by his natural Voice. To be seen this present Evening, at 5 a Clock at the Red Bull in Stepney. Price 1 s.

These are to give Notice, That the Upholstery, Cabinet, and Sadlery Wares, some Linnen, and other Goods that did belong to Thomas Pitkin, are continu'd to be sold by Way of Auction, at the Black Lyon next to Somerset-House Water-Gate in the Strand. Catalogues of the said Goods are given out at the Place of Sale.

The Houshold Goods of Mr. James Blakely, late of the Hare in St. Lawrence-Lane, are to be sold, and the House let if desired; Enquire of Mr. William Vere on Ludgate-Hill, or of Mr. John Vere in St. Austins Friars.

The true Liquor of Azam for the Stone, Gravel, and Stoppage of Urine, (approv'd of not only by a great Number of Persons cured several Years past) but likewise by some Physicians of the College of Physicians, is only to be sold at John's Coffee-house in Swithin's Alley, near the Royal Exchange, at 2 s. 6d. per Bottle, with Directions.

NOTICE is hereby given by the Author of the Anglical Tincture for Coughs, that there is a Person who endeavours all he can to Counterfeit my excellent Tincture, calling his Sham, first by the name of Golden Tincture for Coughs, but being detected, his now calls it by the Name, calling it Inestimable Angelical Tincture, framing his Advertisements like mine; beware therefore of being impos'd on: Mine is sold only at John's Coffee-House in Swithin's Alley by the Royal Exchange, and at the 7 Stars under St. Dunstan's Church in Fleet-street. It never fails to give help. Price 2 s. a Bottle.

ADVERTISEMENT.

A humble Proposal for parochial Reformation, by restoring Rural Deans and Chapters according to the ancient Way of the Church, recommended to the consideration of all Conformists and Dissenters, as the best Way to Peace and Union. By J. M. Presbyter of the Church of England. Sold by H. Mortlock, at the Phenix in St. Paul's Church-yard.

The Poll for Members to serve in the ensuing Parliament, for the County of Middlesex, taken at Brentford the 28th of May 1705. publish'd by the Order and Directions of Sir John Wolfleiholm Baronet, and Scorie Barker Esq; Members for the said County. Printed for Bernard Lintott at the Middle-Temple Gate in Fleet-street. Price 1 s. 6. d.

The Essay towards a Proposal for Catholick Communion, lately Publish'd by a pretended Minister of the Church of England, Printed at large, and answer'd Chapter by Chapter, whereby it appears that the Author's Method of reconciling the Church of England with that of Rome, is fallacious, and his Design Impracticable. By N. Spinks, a Presbyter of the Church of England. Printed for R. Sare, at Grays-Inn-Gate in Holborn.

The Poll for Knights of the Shire for the County of Surrey. Taken at Guilford in the said County, the 30th Day of May, 1705. And at the Desire of some of the Eminent Freeholders Publish'd by order of Sir William Scawen Kt. Printed for S. Crouch, at the Corner of Popes-head Ally next Cornhill. 1705.

A Sermon preach'd before the Right Honourable the Lord-Mayor, Aldermen, and Livery-men of the several Companies of London. At the Parish Church of St. Lawrence Jewry, before the Election of the Lord-Mayor, September 29. 1705. By Benjamin Hoadly Rector of St. Peter's Poor. The 2d. Edition. Printed for Tim. Childe at the White Hart in St. Paul's Churchyard.

A Modest Proof of the Order and Government settled by Christ and his Apostles in the Church. By shewing 1. What Sacred Offices were Instituted by them. 2. How those Offices were distinguish'd. 3. That they were to be perpetual and standing in the Church; And 4. Who succeed in them, and rightly Execute them to this Day. Recommended as proper to put into the Hands of the Laity. Printed for John Wyat at the Rose in St. Paul's Church-yard.

The Office and good Work of a Bishop: A Sermon preach'd in Lambeth Chappel, at the Consecration of the Right Reverend Father in God William, Lord Bishop of Lincoln, on Sunday, October 21. 1705. Publish'd at the desire of the Arch-Bishop and Bishops. By White Kennet, D. D. Archdeacon of Huntingdon. Printed for A. and J. Churchill, at the black Swan in Pater-Noster-Row, and R. Sare at Grays-Inn Gate in Holborn. 1706.

Mr. Wesley's Letter concerning the Education of Dissenters in their Private Academies, and his defence of it in Answer to Mr. Palmer, giving a full Account of their Morals and Behaviour towards the Church of England. Printed for R. Clavel and R. Knaplock at the Angel and Crown in St. Paul's Church-yard.

LONDON: Printed, and Sold by *Sam. Buckley* at the *Dolphin* in *Little-Britain*.